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NOV 19 2003

TECHNOLOGY CENTER R3700

Attorney Docket No.: **PATENT**  
MDS-012  
(6219/18)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Nordstrom *et al.*  
SERIAL NO.: 09/591,706 GROUP NO.: 3737  
FILING DATE: June 9, 2000 EXAMINER: Sugarman, Scott J.  
TITLE: An Optical Probe Accessory Device for Use In In Vivo Diagnostic Procedures

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

**REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**

- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

In addition, Applicants wish to call to the Examiner's attention Office Actions issued in the following commonly-owned, co-pending patent applications:

- 1) U.S. Serial No. 09/841,325, Attorney Docket No. MDS-009CN, filed on 4/24/01, by Modell et al.;
- 2) U.S. Serial No. 09/738,614, Attorney Docket No. MDS-013A, filed on 12/15/00, by Kaufman et al.;
- 3) U.S. Serial No. 10/068,133, Attorney Docket No. MDS-013AC2, filed on 2/5/02, by Kaufman et al.;
- 4) U.S. Serial No. 09/738,147, Attorney Docket No. MDS-013B, filed on 12/15/00, by Kaufman et al.;
- 5) U.S. Serial No. 10/411,777, Attorney Docket No. MDS-013BC1, filed on 4/11/03, by Kaufman et al.;
- 6) U.S. Serial No. 10/178,772, Attorney Docket No. MDS-014CN, filed on 6/24/02, by Modell et al.;
- 7) U.S. Serial No. 10/122,429, Attorney Docket No. MDS-015CN, filed on 4/12/02, by Nordstrom et al.;
- 8) U.S. Serial No. 09/481,762, Attorney Docket No. MDS-016, filed on 1/11/00, by Modell et al.;
- 9) U.S. Serial No. 09/738,612, Attorney Docket No. MDS-020, filed on 12/15/00, by Costa et al.;
- 10) U.S. Serial No. 10/071,932, Attorney Docket No. MDS-022C1, filed on 2/8/02, by Nordstrom et al.;
- 11) U.S. Serial No. 10/192,820, Attorney Docket No. MDS-028, filed on 7/10/02, by Schomacker et al.;
- 12) U.S. Serial No. 10/099,881, Attorney Docket No. MDS-030, filed on 3/15/02, by Kaufman et al.;
- 13) U.S. Serial No. 10/273,511, Attorney Docket No. MDS-031, filed on 10/18/02, by Clune et al.;
- 14) U.S. Serial No. 10/192,836, Attorney Docket No. MDS-032, filed on 7/10/02, by Zelenchuk;
- 15) U.S. Serial No. 10/243,535, Attorney Docket No. MDS-033, filed on 9/13/02, by Schomacker et al.;
- 16) U.S. Serial No. 10/295,794, Attorney Docket No. MDS-034, filed on 11/15/02, by Schomacker et al.;
- 17) U.S. Serial No. 10/418,922, Attorney Docket No. MDS-035, filed on 4/18/03, by Flewelling et al.;
- 18) U.S. Serial No. 10/418,902, Attorney Docket No. MDS-035A, filed on 4/18/03, by Jiang et al.;
- 19) U.S. Serial No. 10/418,974, Attorney Docket No. MDS-035B, filed on 4/18/03, by Jiang;
- 20) U.S. Serial No. 10/418,668, Attorney Docket No. MDS-035D, filed on 4/18/03, by Costa et al.;
- 21) U.S. Serial No. 10/418,975, Attorney Docket No. MDS-035E, filed on 4/18/03, by Jiang et al.;
- 22) U.S. Serial No. 10/418,415, Attorney Docket No. MDS-035F, filed on 4/18/03, by Schomacker et al.;
- 23) U.S. Serial No. 10/419,181, Attorney Docket No. MDS-035G, filed on 4/18/03, by Jiang et al.; and
- 24) U.S. Serial No. 10/418,973, Attorney Docket No. MDS-035H, filed on 4/18/03, by Schomacker et al.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

**STATEMENT**

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

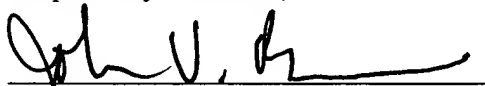
- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Date: November 10, 2003  
Reg. No.: 36,748

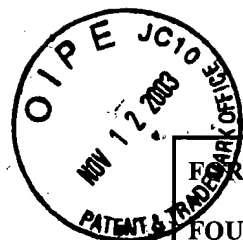
Tel. No.: (617) 248-7870  
Fax No.: (617) 248-7100

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Respectfully submitted,

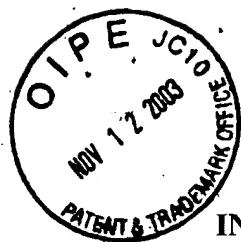


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Attorney for Applicants  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



FORM PTO - 1449				ATTORNEY DOCKET NO.: MDS-012			
FOURTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Nordstrom et al.			
				SERIAL NO.: 09/591,706		FILING DATE: June 9, 2000	
				GROUP: 3987		TC 2887	
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A196	Des. 242,393	11/16/76	Bauman			06/02/75
	A197	Des. 242,396	11/16/76	Bauman			05/15/75
	A198	Des. 242,397	11/16/76	Bauman			05/27/75
	A199	Des. 242,398	11/16/76	Bauman			06/02/75
	A200	D 453,832 S	02/19/02	Morrell et al.	D24	138	02/09/01
	A201	D 453,962 S	02/26/02	Morrell et al.	D24	138	02/09/01
	A202	D 453,963 S	02/26/02	Morrell et al.	D24	138	02/09/01
	A203	D 453,964 S	02/26/02	Morrell, et al.	D24	138	02/09/01
	A204	D 460,821 S	07/23/02	Morrell et al.	D24	138	02/09/01
	A205	4,646,722	03/03/87	Silverstein et al.	128	4	12/10/84
	A206	5,101,825	04/07/92	Gravenstein et al.	128	633	06/20/89
	A207	5,193,525	03/16/93	Silverstein et al.	128	4	11/30/90
	A208	5,469,853	11/28/95	Law et al.	128	662.06	06/22/94
	A209	5,496,259	03/05/96	Perkins	600	124	09/13/93
	A210	5,830,146	11/03/98	Skladnev et al.	600	478	03/17/97
	A211	5,863,287	01/26/99	Segawa	600	121	10/04/96
	A212	5,941,834	08/24/99	Skladnev et al.	600	587	03/17/97
	A213	6,096,065	08/01/00	Crowley	607	88	09/29/97
	A214	6,099,464	08/08/00	Shimizu et al.	600	104	04/08/96
	A215	6,124,597	09/26/00	Shehada et al.	250	461.2	07/07/97
	A216	6,243,601 B1	06/05/01	Wist	600	473	09/18/98
	A217	6,571,118 B1	05/27/03	Utzinger et al.	600	476	05/04/99
	A218	6,574,502 B2	06/03/03	Hayashi	600	476	12/04/00
EXAMINER				DATE CONSIDERED			

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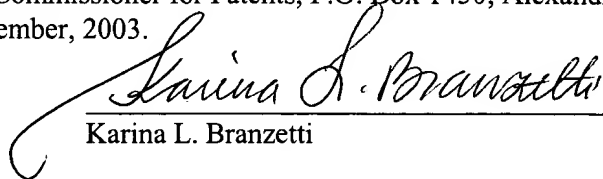
PATENT  
Attorney Docket No.: MDS-012  
(6219/18)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Nordstrom *et al.*  
SERIAL NO.: 09/591,706 GROUP NO.: 3737  
FILING DATE: June 9, 2000 EXAMINER: Sugarman, Scott J.  
TITLE: An Optical Probe Accessory Device for Use In In Vivo Diagnostic Procedures

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10<sup>th</sup> day of November, 2003.

  
Karina L. Branzetti

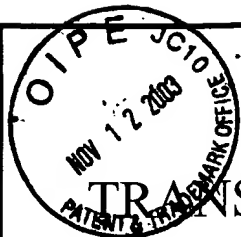
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Fourth Supplemental Information Disclosure Statement (3 pgs.);
3. Fourth Supplemental Form PTO-1449 (1 pg.);
4. Copies of Cited References (A196-A218); and
5. Return Receipt Postcard.

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TC 2600 MAIL ROOM



# TRANSMITTAL FORM

Application Serial Number	09/591,706
Filing Date	June 9, 2000
First Named Inventor	Nordstrom
Group Art Unit	3737
Examiner Name	Sugarman, Scott J.
Attorney Docket No.	MDS-012
Patent No.	Not applicable
Issue Date	Not applicable

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## ENCLOSURES (check all that apply)

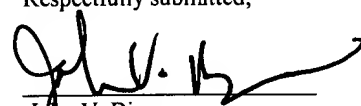
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|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><br><input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]<br><br><input type="checkbox"/> Petition for Extension of Time<br><br><input checked="" type="checkbox"/> Fourth Supplemental Information Disclosure Statement (3 pgs.)<br><input checked="" type="checkbox"/> Fourth Supplemental Form PTO-1449 (1 pg.)<br><input checked="" type="checkbox"/> Copies of IDS Citations (A196-A218)<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application<br><br><input type="checkbox"/> Formal Drawing(s)<br><br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><br><input type="checkbox"/> Small Entity Statement<br><br><input type="checkbox"/> CD(s) for large table or computer program<br><br><input type="checkbox"/> Amendment After Allowance<br><br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><br><input type="checkbox"/> Appeal Brief (in triplicate)<br><br><input type="checkbox"/> Status Inquiry<br><br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><br><input type="checkbox"/> Additional Enclosure(s) (please identify below) |
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## CORRESPONDENCE ADDRESS

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## SIGNATURE BLOCK

Respectfully submitted,  
  
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Date: November 10, 2003  
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